

# House Amendment 8100

PAG LIN

1 1 Amend Senate File 473, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 3, by inserting after line 12 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. Section 144B.1, Code 2007, is amended  
1 6 by adding the following new subsection:  
1 7 NEW SUBSECTION. 1A. "Designee" means a person  
1 8 named in a declaration under chapter 144C that is  
1 9 contained in or attached to a durable power of  
1 10 attorney for health care.  
1 11 Sec. \_\_\_\_\_. Section 144B.5, Code 2007, is amended by  
1 12 adding the following new subsection:  
1 13 NEW SUBSECTION. 5. A durable power of attorney  
1 14 for health care may include a declaration under  
1 15 chapter 144C that names a designee and alternate  
1 16 designees who may be different persons than the  
1 17 attorney in fact or alternate attorneys in fact who  
1 18 are designated in the durable power of attorney for  
1 19 health care.>  
1 20 #2. Page 3, line 15, by striking the word  
1 21 <Directives>.  
1 22 #3. Page 3, line 32, by inserting after the word  
1 23 <instrument,> the following: <contained in or  
1 24 attached to a durable power of attorney for health  
1 25 care under chapter 144B, that is>.  
1 26 #4. Page 3, line 33, by inserting after the word  
1 27 <chapter,> the following: <and>.  
1 28 #5. Page 3, line 34, by striking the words <and  
1 29 may direct> and inserting the following: <who shall  
1 30 have the sole responsibility and discretion for making  
1 31 decisions concerning>.  
1 32 #6. Page 4, lines 3 and 4, by striking the words  
1 33 <to implement the declarant's wishes contained in the  
1 34 declaration> and inserting the following: <who shall  
1 35 have the sole responsibility and discretion for making  
1 36 decisions concerning the final disposition of the  
1 37 declarant's remains and the ceremonies planned after  
1 38 the declarant's death>.  
1 39 #7. Page 4, lines 21 and 22, by striking the words  
1 40 <, as applied to implementation of a declarant's  
1 41 directives in a declaration,>.  
1 42 #8. By striking page 4, line 32, through page 5,  
1 43 line 7, and inserting the following:  
1 44 <19. a. "Third party" means a person who is  
1 45 requested to dispose of remains by an adult with the  
1 46 right to dispose of a decedent's remains under section  
1 47 144C.5 or assist with arrangements for ceremonies  
1 48 planned after the declarant's death.>  
1 49 #9. Page 5, lines 12 and 13, by striking the words  
1 50 <FINAL DISPOSITION OF REMAINS> and inserting the  
2 1 following: <DESIGNEE>.  
2 2 #10. Page 5, by striking lines 14 through 19 and  
2 3 inserting the following:  
2 4 <\_\_\_\_\_. A declaration shall name a designee who  
2 5 shall have the sole responsibility and discretion for  
2 6 making decisions concerning the final disposition of  
2 7 the declarant's remains and the ceremonies planned  
2 8 after the declarant's death. A declaration may name  
2 9 one or more alternate designees and may include  
2 10 contact information for the designees and alternate  
2 11 designees.  
2 12 \_\_\_\_\_. A declaration shall not include directives  
2 13 for final disposition of the declarant's remains and  
2 14 shall not include arrangements for ceremonies planned  
2 15 after the declarant's death.>  
2 16 #11. Page 5, by striking lines 20 and 21 and  
2 17 inserting the following:  
2 18 <\_\_\_\_\_. A designee, an alternate designee, and a  
2 19 third party shall act in good faith and in a manner  
2 20 that is>.  
2 21 #12. Page 6, line 13, by striking the words  
2 22 <directives contained in the declaration> and  
2 23 inserting the following: <decisions made by the  
2 24 designee>.

2 25 #13. Page 8, lines 18 and 19, by striking the  
2 26 words <FINAL DISPOSITION OF REMAINS> and inserting the  
2 27 following: <DESIGNEE>.

2 28 #14. Page 8, lines 22 and 23, by striking the  
2 29 words <to implement my wishes relating to> and  
2 30 inserting the following: <. My designee shall have  
2 31 the sole responsibility for making decisions  
2 32 concerning>.

2 33 #15. Page 8, by striking lines 25 through 27 and  
2 34 inserting the following: <This declaration hereby  
2 35 revokes all prior declarations. This>.

2 36 #16. Page 8, lines 29 and 30, by striking the  
2 37 words <consistently with my directives as stated in  
2 38 this declaration,>.

2 39 #17. By striking page 8, line 31, through page 9,  
2 40 line 2, and inserting the following: <under the  
2 41 circumstances.>

2 42 #18. Page 9, line 15, by striking the word  
2 43 <contained>.

2 44 #19. Page 9, line 15, by inserting after the word  
2 45 <completed,> the following: <is contained in or  
2 46 attached to a durable power of attorney for health  
2 47 care under chapter 144B,>.

2 48 #20. By striking page 9, line 27, through page 10,  
2 49 line 9, and inserting the following:  
2 50 <3. A declaration may include the location of an  
3 1 agreement for prearranged funeral services or funeral  
3 2 merchandise as defined in and executed under chapter  
3 3 523A, cemetery lots owned by or reserved for the  
3 4 declarant, and special instructions regarding organ  
3 5 donation consistent with chapter 142C.>

3 6 #21. Page 10, lines 11 and 12, by striking the  
3 7 words <or any directive contained in a declaration".  
3 8 #22. Page 11, line 15, by inserting after the word  
3 9 <by> the following: <the designee, an alternate  
3 10 designee, and>.

3 11 #23. Page 11, line 16, by striking the words <a  
3 12 directive of the declarant> and inserting the  
3 13 following: <the declaration>.

3 14 #24. Page 11, by striking lines 24 through 31 and  
3 15 inserting the following:  
3 16 <2. The most recent declaration executed by a  
3 17 declarant shall control.  
3 18 3. All declarations executed prior to the  
3 19 effective date of this Act which substantially comply  
3 20 with the requirements of this chapter shall be given  
3 21 full force and effect.>

3 22 #25. Page 11, by striking lines 32 through 34.  
3 23 #26. Page 13, by inserting after line 6, the  
3 24 following:  
3 25 <Sec. \_\_\_\_\_. Section 331.805, subsection 3,  
3 26 paragraph b, Code 2007, is amended to read as follows:  
3 27 b. If the ~~next of kin, guardian, or other person~~  
3 28 authorized to ~~act on behalf control the remains~~ of a  
3 29 deceased person under section 144C.5 has requested  
3 30 that the body of the deceased person be cremated, a  
3 31 permit for cremation must be obtained from a medical  
3 32 examiner. Cremation permits by the medical examiner  
3 33 must be made on the most current forms prepared at the  
3 34 direction of and approved by the state medical  
3 35 examiner, with copies forwarded to the state medical  
3 36 examiner's office. Costs for the cremation permit  
3 37 issued by a medical examiner shall not exceed  
3 38 seventy-five dollars. The costs ~~shall be borne by the~~  
~~3 39 family, next of kin, guardian of the decedent, or~~  
~~3 40 other person of the permit and other reasonable~~  
~~3 41 cremation expenses may be paid from the decedent's~~  
~~3 42 estate pursuant to section 633.425, subsection 3.>~~

3 43 #27. Page 13, by striking lines 11 through 14 and  
3 44 inserting the following:  
3 45 <1. ~~Any available member of the following classes~~  
~~3 46 of persons, in the priority listed, A person~~  
~~3 47 authorized to control the deceased person's remains~~  
~~3 48 under section 144C.5~~ shall have the right to control  
3 49 the interment, relocation, or disinterment of a  
3 50 decedent's remains within or from a cemetery+.>

4 1 #28. Page 15, line 3, by striking the figures <2-  
4 2 1.> and inserting the following: <2.>

4 3 #29. Page 15, line 30, by striking the figure <2.>  
4 4 and inserting the following: <3.>

4 5 #30. Page 16, line 5, by striking the figure <3.>

4 6 and inserting the following: <4.>  
4 7 #31. Page 17, line 3, by striking the figure <4.>  
4 8 and inserting the following: <5.>  
4 9 #32. Page 17, line 12, by striking the figure <5.>  
4 10 and inserting the following: <6.>  
4 11 #33. Page 17, line 27, by striking the figure <6.>  
4 12 and inserting the following: <7.>  
4 13 #34. Title page, line 2, by striking the word  
4 14 <directing> and inserting the following: <designating  
4 15 a person to have sole responsibility and discretion  
4 16 concerning>.  
4 17 #35. Title page, line 2, by striking the word  
4 18 <person's> and inserting the following: <adult's>.  
4 19 #36. By renumbering as necessary.  
4 20  
4 21  
4 22  
4 23 COMMITTEE ON HUMAN RESOURCES  
4 24 SMITH of Marshall, Chairperson  
4 25 SF 473.302 82  
4 26 av/rj/9019